

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
August 19, 2013**

Meeting was called to order at 6:17 p.m.

**Members Present:** Mr. Snow, Chairman, Ms. Caisse, Mr. Tufts, Ms. Scott-Pipes, Mr. Schmid, Mr. Harding, Mr. Parys

**Also Present:** Patrick Gallivan, and Carol Logue, Secretary

**Agenda:** Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Informal Discussion:** Paul Shea: Question regarding town-owned land and 7 Wood Island Road  
Paul Shea, Independent Environmental Consultants was present. Anthony Sandonato. 7 Wood Island Road received approval to raze and rebuild a deck off the back of the house. Land to right is owned by Scituate Conservation. He would like to do some selective pruning, but no alteration to the tree canopy. Trim approximately from the middle of the trees to 15' off the ground and remove a number of climbing vines. Some of the alteration would be in the 50' buffer zone. Would file a Notice of Intent, but someone from the town would have to sign as the owner. Mr. Sandonato would be willing to remove additional invasives that are affecting the wetland for mitigation. He would like to pick up some views from his deck. Some of the vines are choking the trees. Informally requesting to file a NOI on town property. Frank suggested I come in and talk with the Commission. Mr. Schmid: How wide a corridor? He has to come up with a plan; right now just asking if the Commission would allow the filing. No trees coming down, just branches and vines. Not looking for any guarantee that it will be approved. Mr. Gallivan: could clean up the area, but no disturbance to the ground, if beneficial to both properties. We need the proposal and there could be abutters that could step forward. Would it make sense to look at the site before filing? Mr. Shea: Only giving approval to file. Motion to allow a Notice of Intent to be filed on 0 Wood Island Road for vista pruning Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Carpenter, 49 Seaside Road (shed): Canceled

Farina, 12 Ocean Drive: Out of town this week. Removed vegetation, etc. He should come in next meeting. Received pictures through the mail. Took place about 3 weeks ago, but nothing has been altered since; should schedule a site visit. Violation could require an Enforcement Order to file for replanting.

**Wetlands Hearing:** Gordon, Ocean Ave. (new build & septic) (cont.)

Applicant's representative requested a continuance to the meeting of September 4, 2013. There is a FEMA informational meeting September 4, 2013 from 4:00-9:00 p.m. at the Furnace Brook Middle School. Motion to continue the hearing to September 5, 2013 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Agent's Report:** Lot 7 Summer Street

Made site visit. The Order of Conditions stated that if they could find a way to assess the property without disturbing wetlands, a new plan would need to be submitted.

140 River Street: Wall was built without a permit. Orders required the applicant to file for a Chapter 91 License or remove the wall. Town attorney says that a Chapter 91 license requirement is out of our jurisdiction; DEP's area. Original attorney suggested that they file for a Chapter 91. Mr. Parys: we wanted them to remove the wall, but the attorney said they would file for the Chapter 91 license. It was either remove it or go for a license. This has dragged on a long time. The previous attorney got frustrated because they couldn't reach the client. Mr. Gallivan: Town Counsel is looking for direction. Have an engineer come in and see what other options there might be. We are beyond that. We can send an Enforcement Order. Mr. Snow: Look at the file and see how long it has been going on. Mr. Gallivan will draft a letter and see if it covers everything. Ms. Scott-Pipes: the Commission was all set to deny the project. Mr. Parys: now they are saying we can keep the wall and you can't make us take it out.

**Request for Determination:** Ludwig, 14 Peggotty Beach Road (addition/add crushed rock to left & rear of house)\*

Vincent Ludwig was present at the hearing. There is a 4' x 14' open porch at the front and immediately behind there is a sunroom. Requesting to tear down the wall between the sunroom and the porch and build a new exterior wall. In order to enclose the area a new foundation wall needs to be added. Also right now there is a single step up, but when the wall is extended a new landing and a couple of additional steps will be needed, requiring sonotubes. Site shouldn't be disturbed except for the foundation. Gravel driveway on left side goes behind the house. Over time there are some depressions that would like to even out. Mr. Snow: any idea of how many yards of material will be needed? No, but the depressions are shallow; maybe a small dump truck. Ms. Scott-Pipes: on the foundation wall for the porch, how deep? Probably 4'. Mr. Schmid: how do we determine how close the wetland is? Mr. Gallivan: sometimes we have the applicant hire a wetland person. Nothing is any closer to the saltmarsh, there will be minimal impact. As long as the rock (driveway) isn't expanded, it is pretty straight-forward. Mr. Harding: how are you filling the depressions? Shovel it off the truck. It seems like it can be done without impacting resources. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Request for Determination:** Scituate Harbor Marina, Inc., 48 Jericho Road (replace fuel tank & line)\*

Stan Humphries, Senior Coastal Geologist with LEC Environmental was present at the hearing. This property abuts Pier 44, more than half is under water, with remaining upland portion bituminous concrete; stone revetment on east and south side. Resource is land subject to coastal

storm flowage. Boundary between flood zones V elevation 11' and AE elevation 10' is property line. There is a 4,000 gallon fuel tank underground and another above ground. By law in 3 years all underground tanks need to be elevated. Work consists of laying down a 6" concrete pad beside the existing tank and replacing it with a more up to date one on the Jericho Road side. Fuel lines and utility lines will be replaced and upgraded requiring a trench 180' long from the fuel tanks to the pier and about 4' to 5' wide. Siltation will be handled by the contractor. Work will take a week or two. Ms. Scott-Pipes: planning on doing the work before the storms start? Don't know exactly when the work will be done, but I'm sure they are well aware of storm activity. Mr. Gallivan: Timing is a concern. Mr. Snow: should be conscious of storms. Not a bad thing to notify the Commission and clear with Pat when the work will take place. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Notify the Commission before work begins. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Request for Determination:** Sennott, 25-37 Rebecca Road (placement of cobble in front of 6 properties)\*

Frank Sennott, 29 Rebecca Road and David Ball were present at the hearing. Suffered quite a bit of beach erosion in February and a lot of rocks were carried away, would like to take steps to stabilize the beach. Anticipate more flooding from storms. Would like to have the cobble that is being removed from the Scituate Lighthouse spread along in front of the six properties. Mr. Snow: how much material are you looking for? Will take as much as we can. David Ball: have had a number of discussions with Kevin Cafferty, he is anxious for us to have it. Quite a bit of cobble has been taken away already. Timing was bad, contractor had to get rid of it; too bad all the material could not have been used at the site. Mr. Ball: Probably could use 300 yards. Don't want to see it removed. All the homeowners are in favor. Who decided where it was going? Kelly was the contractor. They had to get going on the project. Mr. Parys: plan to grade it or make a berm? Local contractor will spread it almost immediately. No berm. Want to raise height of beach; well away from the high tide line. Mr. Tufts: good idea using the material in our own town; good spot for it. Ms. Caisse agrees. Mr. Gallivan: Need a few conditions. Not an opportunity to fix anything else; need to be above the mean high tide line and if there are abutters next to these houses do they have any issues? There are two other houses, but they have no objections. Mary Sullivan, 23-25 Rebecca: bothered by the trucks removing the material. Mr. Snow: saw trucks too, thought they were bringing material in. Disappointed that the town was removing; always looking for compatible material. Usually something this complicated is a Notice of Intent. Maybe if Pat doesn't mind, he could actually watch this project a little bit. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote. Person spreading the material knows the limits. Thought it was going to Ocean Ave., but heard it was Cohasset. Mr. Snow: need to look at the orders.

**Wetlands Hearing:** Town of Scituate, 208 Front Street (repairs to town pier)\*

Mark Patterson, Harbormaster, Paul Scott, Bob Welch, engineer from Childs Engineering Corp. and Michael Driscoll from DCR Waterways were present at the hearing. Abutters' notification was submitted. Mr. Patterson thanked Mr. Driscoll for his support of this project. The pier supports 15 commercial fishing vessels and also the businesses in town. Last pier work was in 1986. In 2010 received a grant for an evaluation of the pier and using those findings submitted an application to Seaport Council and received a grant for the design, engineering and construction. All work is within the existing footprint. Structural components: the sheet piles are in pretty good shape, but fasteners need replacing; steel cap log runs length of pier and needs replacement; wooden components along bottom and top are degraded after 30 years; some seasonal floats and a few timber pilings need replacing. Pier is sinking and sagging. Paul Scott: Upgrading electricity, lighting, and water; new hydrants, electrical outlets, hot box for the water through the winter and lifts on either side. Mark: Critical marine part of the harbor and through CPC we have funds for Phase II of the Harbor Walk; important piece of tourism. This is not only critical to the fishing industry, but part of the revitalization of the down-town area. Ms. Scott-Pipes: the only work under the water is hardware replacement? 6 piles will be removed and replaced in the same location. Also every 10' welding will need to be done. Mr. Schmid: Is it normal procedure to construct a boom; a netting that contains everything on the site? Standard procedure for DEP to request silt curtains all the way around. Mr. Gallivan: NOI has a lot of information regarding silt curtains, received a letter from Marine Fisheries today, stated special items to protect fisheries; can become part of the orders. Stormwater report states that there is no work in a wetland area, but it is a resource area. Work from the barge side is to drive the pilings. Have small floats to support the divers. Rest of equipment is dock side. Chapter 91 license is from 1986, which requires maintenance and this is maintenance. Mike Driscoll: DCR especially likes to see projects for the fisherman. Mr. Harding: Target for construction? Around Labor Day, do as much as possible. Probably won't be able to put asphalt down until spring. Mr. Snow: harbor is looking great. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Ayers, 64 Moorland Road (upper level deck/1<sup>st</sup> floor addition)\*

Paul Mirabito from Ross Engineering was present at the hearing. Abutters' notification was submitted. Plan shows lot outlined in yellow, salt marsh line is in orange. Proposing to install a footing at grade level to support the new columns for the open upper deck; Rivermoor is designing. There are existing stairs off the open deck, but need another set. No alteration to the resource area. Site is in AE flood zone elevation 9'. New maps will go from 9.16' to 17', big increase. Have filed with North River Commission; doing work within 100' of the bank to the salt marsh. Ms. Scott-Pipes: what is the size of the addition? 8'. New addition will be supported on piers. Removing existing posts and replacing with footing. Structural plan will be submitted at time of construction. Not going any closer to the wetland. Mr. Snow: It is in the buffer zone. Foundation plan? Only pouring a footing. From sonotubes to a footing, continuous footing? Yes. How many feet to the coastal bank? 15.3' to the open deck. Continue roofline? Yes. Expanding the kitchen, have an open deck and a 4' cantilevered deck. Sonotubes for stairs and footing is the only ground work. There is also a shed with an open deck. Mr. Gallivan: Land subject to coastal storm flowage is the resource area. AE zone is the 9' contour and all work is above that. Mr. Schmid: how much further is the addition going out? None; holding existing line of the posts. Mr. Snow: just had a couple of hearings in that area, we asked for additional habitat along the edge. They are using all the property next to the marsh. Digging for a continuous footing with piers, larger impervious area with a roof on top. With that much disturbance, looking for protection for the marsh. Roof does come out farther. Mulch could run down to the marsh. There are erosion controls. Would like to see a simple foundation plan. Excavate with a small machine. Mr. Gallivan: not much in the narrative, need more. Talked to the owner, looks like it is closer to the marsh, is there a reason it can't be in the same area as the sonotubes? Need to dig footing. Area in resource of coastal storm flowage is 30" x 45". Mr. Snow: house is really close to the marsh, they are trying to get closer; putting more concrete in the ground. No difference if you dig individual footings or a trench. Maximum benefit for the marsh would be a good planting plan, slopes right down to it. If you are looking for this to be closed a planting plan needs to be submitted. It is at the Commission's digression what is acceptable. Mr. Gallivan: want to check the flood zone, usually follow the line that has been given to us. Everything on site has been done

referencing the flood zone. Haven't heard it scaled back to what is on the ground. Scaled from FIRM Map. The actual line is an elevation line. Footings are kept out of the current flood zone. Mr. Snow: would like to see a planting plan and a foundation plan will be required for a building permit. Would like to start the work this fall. Could approve the project with the two conditions for planting plan and foundation plan. Accessory dwelling is in the marsh. Does that need to stay? Maybe that building was approved by a prior filing. Need to look for an old file. Could be prior to 1978. Motion to continue the hearing to September 5, 2013 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** Roche, 232 Central Ave. (enlarge deck)\*

Richard Savant from Stenbeck and Taylor was present at the hearing. Abutters notification was submitted. Resource areas: VE flood zone, riverfront and barrier beach. Extend existing deck. Worked with building department for setbacks. Able to extend 4.2', approximately 130 sq. ft. Ms. Scott-Pipes: there is no description or information. Would like to know details; can only assume it will be on piers. Existing deck sits on sonotubes and concrete blocks. Need more information. What type of footing do you want to see? Mr. Snow: There is no description. You tell us what you'd like to do. Usually it is a big foot type. Mr. Parys: gravel driveway is marked on the plan. Tearing out asphalt? Mr. Harding: if Paul's understanding is correct, the driveway is gravel. It would be very favorable not to have impervious surface. Will clarify the driveway material. Tearing and replacing the whole deck. Not in favor of continuous footings. Need to know all the footings that are to be removed and replaced. Mr. Gallivan: as far as footings talk to Neil Duggan. Usually we just have a plan of how many footings. Mr. Snow: there is a matrix of what the state put together for work in each area. Motion to continue the hearing to September 5, 2013 at 7:20 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Sent tickets to two violators: 101 Ann Vinal and 28 Gardiner. We've been waiting and waiting and getting nowhere. Crescent Ave. Lot 57 – other stormwater mechanisms. Discuss next meeting.

136 Indian Trail: Grady called today; he can have the elevations to us in a week or so for an Amendment. Need to look at stormwater also. We may need a consulting engineer to look at; they are proposing a changed plan. 242 Central (Lot 31A) – send violation letter to 242.

**Wetlands Hearing:** Fern Properties, 214 Clapp Road (9 lot subdivision)

Frank Snow and Carol Logue recused themselves. Please see CD, Cable or microcassette. Continued to September 16, 2013 at 6:30 p.m.

**Order of Conditions:** Nashen, 272 Central Ave. (septic)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Minutes:** June 24, 2013

Motion to accept the minutes of June 24, 2013 Ms. Scott-Pipes. Second Mr. Tufts. Motion passed by unanimous vote.

**CORRESPONDENCE**

**August 6, 2013 – August 19, 2013**

1. Summary of Pending Legislation to Delay and/or Amend the Biggert-Waters Flood Insurance Reform Act of 2012 (to Pat)
2. Summary of the Strengthen, Modernize, and Reform The (SMART) National Flood Insurance Program Act- Sec 2-7 (to Pat)
3. Notification to Abutters re: Sheehan, 15 Seagate Circle (in file)
4. DEP File #68-2475 – Ayers, 64 Moorland Road (in file)
5. DEP File #68-2476 – Roche, 232 Central Ave. (in file)
6. Request for Full CofC re: Strazzula, Lot 59 – 82 Crescent Ave. – all work completed except 2 growing seasons (in file)
7. Letter to Conservation from abutter at 44 Ocean Ave. re: Ocean Ave. (new build) (members have copy) (in file)
8. North River Commission – re: 64 Moorland Road – addition to existing house & expansion of open deck – Hearing August 22, 2013 at 7:15 p.m. (in file)
9. Zoning Board of Appeals Agenda August 15, 2013 – 1. Expansion of 2 Lighthouse Road; 2. Schlosser, 117 Lawson Road attached garage; 3. Walden Woods, L.L.C. requests modification of conditions 9 & 11 & discuss 16, 23, & 33 –off Stenbeck Place; Bjorklund, reconstruct a pre-existing nonconforming dwelling at 141 Turner Road\
10. Request to continue Ocean Ave to September 4, 2013 (in file)
11. Recording of CofC for 68-2193 – Winn, 26 Peggotty Beach Road (in file)
12. Coastal Services Magazine
13. Commonwealth/MA Historical Commission re: Hunter's Pond Dam Rehabilitation or Removal, Mordecai Lincoln Road. More information is required. (in file)
14. Request for a full CofC for 68-2441 – 5R Dartmouth Street (in file)
15. Stormwater Magazine.
16. Division of Marine Fisheries re: 208 Front Street - 6 comments: 1. Work from upland as much as possible; 2. Same footprint; 3. Silt curtains to minimize impacts of construction debris; 4. Greater water depths than 2'. 5. Non-toxic epoxy; 6. Adequate containment and clean up material for refueling (in file)
17. Board of Health approved the definitive subdivision for 9 lot flexible open space development at 214 Clapp Road, conditional on homeowner's agreement for management and treatment of the drainage basins and final submittal of plans.
18. DEP re: North River Marina, 12 Chief Justice Cushing Hwy. – Minor Project Modification. Reduction in dredge depth from -7.0 MLW to -6.0 MLW, footprint will not change. Plans entitled "Existing Marina Plan with Proposed Piles, Boat Bottom Washing System and Dredging in the North River, Town of Scituate, Plymouth County, MA". Revised July 15, 2013

Meeting adjourned 8:37 p.m.

Respectfully submitted,

Carol Logue, Secretary